

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JERRY BRANDON, )  
                        )  
Petitioner,         )  
                        )  
v.                     )      Case No. 4:04CV00882 RWS (AGF)  
                        )  
DON ROPER,          )  
                        )  
Respondent.         )

**MEMORANDUM AND ORDER**

The only argument raised by Respondent in its response to the Court's Order to Show Cause why Petitioner should not be granted habeas relief pursuant to 28 U.S.C. § 2254 is that the petition was untimely filed. It appears to the Court, in light of recent Eighth Circuit law, that this argument may be without merit. See Pierson v. Dormire, 484 F.3d 486, 495 (8th Cir. 2007) (holding that a Missouri state prisoner's judgment becomes final within the meaning of one-year limitations period for federal habeas cases 90 days after his conviction is affirmed on direct appeal, even if he has not filed a motion for transfer to the Missouri Supreme Court).

Accordingly,

**IT IS HEREBY ORDERED** that Respondent shall have twenty days from the date of this Order to address the merits of the claims raised by Petitioner, as well as any procedural issues Respondent wishes to present. Petitioner shall have twenty days

thereafter to file a traverse. The Court will then rule on all issues, including the statute of limitations issue. No extensions of time shall be granted.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of June, 2007.